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Attached is the daily news report for August 10 14.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### **UTAH – TOP STORIES – AUGUST 10 - 14, 2017**

##### **1. Owners walk away from debt-ridden, unsafe Utah coal mine**

*The Salt Lake Tribune, Aug. 11 | Brian Maffly*

Helper • Nearly five years after it was closed amid a swamp of defaulted debt and safety violations, Carbon County's Horizon coal mine remains dormant while state regulators and federal land managers struggle to get owner Hidden Splendor Resources to pay reclamation costs and unpaid royalties.

##### **2. Oil sands developer withdraws from stock exchange**

*Moab Sun News, Aug. 10 | Sharon Sullivan*

The shareholders of U.S. Oil Sands, the Canadian company exploring and developing an open-pit mine in the Book Cliffs about 70 miles northeast of Moab, have agreed to allow the company to withdraw from the Toronto Stock Exchange.

##### **3. Op-ed: What State Water Strategy got right ... and wrong**

*The (St George) Spectrum, Aug. 10 | Amelia Nuding, Western Resource Advocates*

The new State Water Strategy has important implications for St. George as well as all of Utah's public health, economy and environment. Utah's population is expected to nearly double over the next 50 years, and the way water is managed will impact the future we create.

##### **4. State board opposes Negro Bill name change**

*The Moab Sun News, Aug. 10 | Rudy Herndon*

Negro Bill Canyon should not be renamed because there's no consensus among two key African-American groups that the word "Negro" is derogatory, a state advisory panel said last week.



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**5. Circuit Court refuses to hear prairie dog appeal forcing Iron County to return to old plan**

*St George News, Aug. 11 | Tracie Sullivan*

CEDAR CITY – The issue of Utah prairie dogs may be on their way to the U.S. Supreme Court after an appeals court refused to hear arguments this week regarding an earlier ruling that found a federal judge had erred in his 2014 decision.

**6. Op-ed: Time to get the 'Trigger Trash' out of Saratoga Springs**

*The Deseret News, Aug. 11 | Jim Miller*

For years, the Saratoga Springs area has been a place where responsible gun enthusiasts can go target shooting and enjoy the beauty of our outdoor recreation. Like many who have lived in the area for some time, I remember growing up and going shooting on the west side of Utah Lake as a kid. It was during that time in my life when the value of responsible gun ownership and respect for the land were instilled within me.

**7. Human activity — racing included — is shrinking the Bonneville Salt Flats, U. researcher says**

*The Salt Lake Tribune, Aug. 12 | Emma Penrod*

After nearly two years of researching on the Bonneville Salt Flats, University of Utah geologist Brenda Bowen says she's increasingly convinced that the ecosystem is more sensitive to human interactions than previously thought.

**8. BLM Set to Begin Bible Springs Complex Wild Horse Gather**

*TheHorse.com, Aug. 13 | Press Release*

The Bureau of Land Management (BLM) will be removing excess wild horses from areas within and outside the Bible Springs Complex in Iron and Beaver counties, Utah, beginning Aug. 15.



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#### **9. BLM Utah announces Paul Briggs as the new Cedar City Field Manager**

*Iron County Today, Aug. 14 | Press Release*

CEDAR CITY, UTAH — In keeping with the Administration's goals of better serving state and local communities, the Bureau of Land Management (BLM) announced the selection of Paul Briggs as the new Cedar City Field Manager.

#### **10. The West's latest prospecting frenzy? Extraterrestrial gold**

*High Country News, Aug. 14 | Rebecca Worby*

White Oil, Oro Blanco, Extraterrestrial Gold: lithium, the lightweight element key to rechargeable batteries, has recently acquired a slew of hyperbolic nicknames. As the demand for electric cars, laptops and smartphones has surged, the search is on for more domestic sources of this energy-critical element.

#### **E&E/NATIONAL NEWS – TOP STORIES**

##### **1. Republicans making progress on longtime goal for more local control of federal lands**

*USA Today, Aug. 10 | Bartholomew D Sullivan*

WASHINGTON — As the new Republican-dominated House convened in early January, anticipating the arrival of President Trump, the chairman of the House Natural Resources Committee declared it time for a "paradigm shift" in how the more than 25% of the country that is owned by the federal government is managed.

##### **2. Drama erupts at Bundy retrial as judge scolds defendant, orders him off stand**

*The Republic | azcentral.com, Aug. 10 | Robert Anglen*

A Las Vegas courtroom erupted in drama Thursday when a federal judge ordered a defendant in the Bundy Ranch standoff trial to get off the stand, struck his testimony, dismissed jurors and abruptly left the bench.



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#### **3. 27 National Monuments Are Under Review. Here Are Five to Watch**

*The New York Times, Aug. 11 | Lisa Friedman, Nadja Popovich and Matt McCann*

No president has ever abolished a national monument designated by a predecessor. President Trump may try to change that.

#### **4. Sage Grouse Protection Changes May Yield Benefits, States Say**

*Bloomberg News, Aug. 11 | Alan Kovski*

The first suggested changes to federal protections for the greater sage grouse under the Trump administration may not be as broad-ranging as some of the bird's advocates fear.

#### **5. MINING: Feds to whip inspectors into shape**

*E & E News, Aug. 10 | Dylan Brown*

Roughly one-fifth of all federal mine inspectors do not meet physical fitness standards, according to the Department of Labor.

#### **6. PEOPLE: Chaffetz will join Jewell at Harvard**

*E & E News, Aug. 10 | Jennifer Yachnin*

Former Utah Republican Rep. Jason Chaffetz will be among this fall's fellows at the Harvard Kennedy School's Institute of Politics along with former Interior Secretary Sally Jewell.

#### **7. INTERIOR: Zinke accepts wilderness donation, boosts refuge hunting**

*E & E News, Aug. 10 | Jennifer Yachnin*

Interior Secretary Ryan Zinke announced yesterday he will endorse a donation of nearly 4,000 acres of private land to create public access to the Sabinoso Wilderness in northeastern New Mexico, reversing his earlier objections to the proposal.



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#### **8. PUBLIC LANDS: Balance energy production with conservation — sportsmen**

*E & E News, Aug. 10 | Scott Streater*

A coalition of sporting and outdoor recreation groups today released a report outlining a "blueprint" for responsible energy development on public lands that calls for balancing oil and gas production with protection of wildlife habitat and waterways for hunting and fishing.

#### **9. INTERIOR: Some department advisory panels start to resurface**

*E & E News, Aug. 14 | Michael Doyle*

The Interior Department's freeze on advisory committees is starting to thaw, at least in some regions.

#### **10. NEVADA STANDOFF: Prosecutors demand preview of defense's closing arguments**

*E & E News, Aug. 14 | Jennifer Yachnin*

Federal prosecutors filed a motion yesterday seeking sanctions against attorneys for three men who participated in the 2014 armed standoff between ranchers and federal agents near Bunkerville, Nev., asserting that the defendants have repeatedly violated a court order that bars discussion of certain constitutional rights as well as other issues in the presence of jurors.

#### **11. OIL AND GAS: A scientist thinks his gizmo can see methane leaks better**

*E & E News, Aug. 14 | Niina Heikkinen*

Research scientist Dirk Richter wants to change the way oil and gas companies detect methane leaks.

The founder and CEO of Quanta3, a Colorado-based startup, is developing a lightweight, solar-powered and cloud-connected laser methane sensor that would allow companies to monitor oil wells for leaks 24 hours per day, without having to physically visit their facilities.



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#### UTAH – FULL STORY

##### 1. Owners walk away from debt-ridden, unsafe Utah coal mine

*The Salt Lake Tribune, Aug. 11 | Brian Maffly*

Helper • Nearly five years after it was closed amid a swamp of defaulted debt and safety violations, Carbon County's Horizon coal mine remains dormant while state regulators and federal land managers struggle to get owner Hidden Splendor Resources to pay reclamation costs and unpaid royalties.

The mine sits about 11 miles west of Helper up the Consumers Road along a tributary of Gordon Creek, where sections of coal debris known as fines descend into a dilapidated retention pond.

Before its abrupt closure in 2012, Horizon employed about 80 people tapping a 10-foot-thick seam of high-quality coal about 1,500 feet below the surface — while financial and regulatory problems dogged the operator and its corporate parent America West Resources, headquartered in Salt Lake City.

Eventually, the now-bankrupt operator lost its federal lease on the 16 million tons of coal that remained, due to its failure to pay the \$8-a-ton royalty on its 2012 production. For the past several years, the Utah Division of Oil, Gas and Mining (DOGM) has insisted principal Alexander H. Walker III, a Salt Lake City attorney, and his family reclaim the site and address ongoing environmental violations. The Walkers' responses, meanwhile, indicate they no longer consider themselves the responsible party.

Messages left by The Salt Lake Tribune at Walker's law office this week were not returned. The Walkers took over the mine in 2003 from the bankrupt Lodestar Energy Inc.

Complicating matters was the lack of a bond, which would normally cover reclamation costs should an operator walk away from its obligations. Instead, the Walkers had posted a Salt Lake City condominium as collateral, which DOGM agreed to accept this spring in lieu of actual reclamation.

The condo's \$585,000 appraisal exceeded the \$520,000 estimated cost for plugging the mine portal and returning the 9.5-acre site to a natural state, according to Dana Dean, the agency's deputy director for mining.



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The downtown residential unit recently sold for less than hoped — \$498,000 — but Dean believes the sum will be sufficient.

Dean said the collateral bond arrangement, though allowed under agency rules, was “not ideal.” But, she said, “we still think we have enough money to do a great job to fix the safety issues, and bury on-site or take coal refuse off-site and put topsoil back.”

The agency had planned to begin the five-month reclamation project this year, but because it could not be completed before winter, DOGM will now have to wait until next spring, Dean said.

In 2011, its last full year of operation, Horizon yielded 370,000 tons and its executives were promising investors a major boost in production. In filings with the Securities and Exchange Commission (SEC), the company said it was upgrading Horizon’s room-and-pillar operation with continuous-mining machinery, which would quadruple production. The same filings, however, stated the company experienced a net loss of \$23.5 million with a capital deficit of \$28 million that year.

“These conditions raise substantial doubt as to our ability to continue as a going concern,” the filing states. Yet, at the same time, then-CEO Dan R. Baker boasted the mine was poised for greatness with big plans for longwall operations.

“With the three continuous miners we have planned, our production rate would be between 1 and 1.3 million tons per year. With longwall mining unit, we can get into a rate of 5 to 7 million tons a year,” Baker told investment promoter George Jarkesy in an interview posted on Jarkesy’s online program “New Captains of Industry.” “Our company is a diamond in the rough and we are the future for the Utah marketplace as well as the Asian marketplace.”

Jarkesy, a major America West Resources shareholder, wound up being barred from the securities industry because his efforts to promote investment in the Horizon mine and other businesses, regulators contended, amounted to fraud. In a 2014 cease-and-desist order, the SEC ordered Jarkesy and associates to return \$1.3 million he had collected in fees and pay \$450,000 in fines.

Around the time Baker gave the interview in February 2011, the federal Mine Safety and Health Administration was ordering costly changes to Horizon’s mine plan. After a Dec. 20, 2012,



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hearing in Price, a hearing officer affirmed penalties of \$190,000 for numerous safety deficiencies at the mine, such as inadequate roof supports.

Two months after that order, Hidden Splendor filed for Chapter 11 bankruptcy in Nevada, listing liabilities totaling \$51 million and assets worth \$6.4 million. Among those liabilities were unpaid property taxes to Carbon County, which has auctioned the land to recoup the revenue.

But officials suspect bad luck rather than incompetence led to the mine's failure. Hidden Splendor's costs were rising as market prices of coal fell.

Another crucial challenge, Dean said, was getting fresh air to the mine's inner workings.

Bureau of Land Management mine engineer Jeff McKenzie said "those were tough conditions. I won't say they were poor miners. They certainly tried."

Today, nearby Jewkes Creek remains culverted under the crumbling retention pond that serves as the only barrier between the Horizon mine's waste and the watershed. The mine's portal is covered with a chain link fence and steel plates whose seams are filled with sealing foam.

The passageway, according to McKenzie, needs to be permanently plugged with concrete, both as a matter of public safety and to preserve the coal deposits inside.

"We want to make sure it is sealed up so a range fire doesn't get down there," McKenzie said. "We want to protect the resource."

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#### **2. Oil sands developer withdraws from stock exchange**

*Moab Sun News, Aug. 10 | Sharon Sullivan*

The shareholders of U.S. Oil Sands, the Canadian company exploring and developing an open-pit mine in the Book Cliffs about 70 miles northeast of Moab, have agreed to allow the company to withdraw from the Toronto Stock Exchange.



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Dropping out of the exchange was a condition of the company's largest shareholder, ACMO S.A.R.L., which is lending U.S. Oil Sands \$5 million for capital to continue its operation at PR Spring, near the border of Uintah and Grand counties.

U.S. Oil Sands also announced in a news release that it has decreased its number of board of directors from five to three.

The Calgary, Alberta-based company is leasing 32,005 acres of Utah School and Institutional Trust Lands Administration (SITLA) property in Utah's Uintah Basin, where it has been working on developing the oil sands using a proprietary extraction process that uses a bio-solvent derived from citrus. The technique allows for the extraction of bitumen from oil sands without the need for tailings ponds. The project is the first of its kind in the United States.

Bitumen is a black viscous mixture of hydrocarbons that is used for road surfacing and roofing. Most of the bitumen extracted from Canada's oil sands is upgraded into synthetic crude oil and sent to refineries for conversion into a range of petroleum products, such as gasoline.

U.S. Oil Sands CEO Cameron Todd said the company has had to raise capital at various times over the years to continue its operations because the project is not yet generating revenue. The company started a pilot project at the site in 2005. The Utah Division of Oil, Gas and Mining issued a permit to U.S. Oil Sands in 2010, to develop the mine. Projected commercial mining start dates have been postponed several times. The current project "is another step in the overall process of commercial development demonstration," Todd said.

Many of the nation's oil sands deposits are located in eastern Utah's Uintah Basin. The oil sands were formed 45 million years ago when organic deposits of driftwood, leaves, algae and animals settled to the bottom of a giant inland lake and were buried by sand and silt.

The strip mining of oil sands at PR Spring has long been controversial with some Utah residents. Members of the Utah Tar Sands Resistance, which was formed five years ago in response to the project, have held ongoing protest vigils near the mine for the past three years.

Living Rivers Conservation Director and Colorado Riverkeeper John Weisheit has long been concerned about the project's water usage. U.S. Oil Sands drilled three dry wells before the company was able to locate water.



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Weisheit contends that there's not enough groundwater at the site and he's concerned that the company could turn to the Green and/or Colorado rivers to acquire additional water for the project.

Weisheit said he suspects insufficient water is the reason the company has decreased its projected daily production of 2,000 barrels of bitumen to 500 barrels.

Water quality monitoring wasn't initially required of U.S. Oil Sands until Western Resource Advocates filed a legal challenge on behalf of Living Rivers. The Utah Division of Oil, Gas and Mining decided a water quality monitoring program and compliance with federal air quality regulations were necessary as conditions for approving the company's expansion request.

Vernal attorney Gayle McKeachnie is representing Bert and Christine DeLambert, who own property near the U.S. Oil Sands project. The couple suspect the mine perched above their property in Main Canyon is the cause for one of their springs going dry, and another flowing at 10 percent of what it used to be, McKeachnie said.

"They've had lush meadows, fishing ponds, irrigated fields," McKeachnie said. "It's now barren land; fish have died."

The DeLamberts had been selling some of their water to other oil and gas interests. However, the springs didn't stop running until U.S. Oil Sands started mining above their ranch, McKeachnie said.

"Mr. DeLambert is hurting – it's been a great economic loss for him but he has not been able to prove a connection," McKeachnie said.

Former Grand County Council member Lynn Jackson, who worked as a geologist for 32 years with the Bureau of Land Management (BLM), said he's not convinced that water is an issue at the oil sands project.

"We've been in a dry period," he said. "I have springs on my property that are less than they were 25 years ago. Springs in general, in the area, have decreased. It's difficult to tell if it's a result of natural drought periods or from mining."



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Todd said that the project “employs a fair amount of water,” but added that 95 percent of the water used is recycled. Beyond those comments, though, he declined to elaborate on water issues, calling it “old news” and “not of interest to me.”

The U.S. Bureau of Reclamation office in Provo, along with the Utah State Engineer’s Office, has requested that U.S. Oil Sands apply for a federal water contract because the company seeks to appropriate water from a segregated portion of the Flaming Gorge reservoir.

Weisheit said he would welcome a federal water contract because it would give the public an opportunity to comment, and would require consultation with Native American tribes, as well as with the U.S. Fish and Wildlife Service.

Todd wouldn’t say when he expects the project to become profitable. He said shareholders prohibit that kind of speculation.

Jackson said the market should decide whether the project continues.

“I’m in favor of letting the project proceed,” the former county council member said. “If the market is not supporting it, it will go away. If it’s a viable product that we all use, I’m for it.”

Michael Hogue, a senior research statistician with the Kem C. Gardner Policy Institute at the University of Utah, worked with a team that evaluated the break-even price of oil for a generic ex-situ (surface) oil sands operation in the vicinity of the U.S. Oil Sands site at Asphalt Ridge in Vernal.

“That study found that the break-even price of oil for such an operation is between \$77 and \$124 dollars per barrel, depending on the rate of return an investor would expect based on a project with this risk profile. The current price of oil is around \$43 per barrel,” Hogue wrote in an email to the Moab Sun News.

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### 3. **Op-ed: What State Water Strategy got right ... and wrong**

*The (St George) Spectrum, Aug. 10 | Amelia Nuding, Western Resource Advocates*

The new State Water Strategy has important implications for St. George as well as all of Utah's public health, economy and environment. Utah's population is expected to nearly double over the next 50 years, and the way water is managed will impact the future we create.

The State Water Strategy, released July 19 by the Water Strategy Advisory Team, is a significant step in addressing this critical issue, and offers many sound and actionable strategies that are important for St. George, as well as the rest of the state.

The strategy's focus on water conservation and better data management are spot-on, laying the foundation for affordable, responsible stewardship of Utah's most precious natural resource. Being increasingly efficient with every drop of water in homes and businesses is absolutely necessary.

Agriculture also has a role to play in our water future, as over 80 percent of Utah's water is used for agriculture. The State Water Strategy gets it right again by committing to maintain a robust agricultural economy while also exploring ways to facilitate the voluntary transfer of water from agriculture to other users.

However, there is a major cart-before-the-horse problem with the plan. Two proposed water projects that would tap into the Colorado and Bear rivers — the Lake Powell Pipeline and the Bear River Development Project, respectively — received plan support, in spite of the fact that the state acknowledged it does not have the data to justify the projects are needed. Good data should be a prerequisite for any proposed water project, a point which is articulated in the strategy but has yet to be rigorously applied to the Lake Powell Pipeline.

These unnecessary water diversion projects will cost billions of ratepayer and taxpayer dollars, take years to build, and threaten Utah's recreation-based economy. While planning for the Lake Powell Pipeline is already well underway, it hasn't been built yet, and it should be held to the same rigorous standards articulated in the strategy, ensuring that:

- It's actually needed by St. George and other communities.
- Adheres to the highest fiscal responsibility standards.
- Would be a viable, long-term source of water.



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There is still progress yet to be made in achieving full and efficient use of existing water supplies, through conservation and reuse and purchasing water from irrigators. Cheaper and safer water management alternatives should be utilized first, so that St. George residents and other Utah citizens who would be footing the bill know their water is being managed well.

It is up to state policymakers, water utilities, and every individual to make sure we are good stewards of our water. The good news is there are literally dozens of cost-effective water-saving measures that can be implemented to reduce water waste without sacrificing our quality of life.

As a first step, all water providers should install water meters to measure water used on landscapes — because you can't manage what you don't measure.

Second, homes and businesses can install smart irrigation controllers to ensure that sprinklers are not watering when it's raining or snowing, which will greatly reduce water waste while keeping landscapes beautiful.

We'd like to thank Gov. Gary Herbert for convening this advisory team and for the hard work the team put into this very important process. Now is the time to take action on the strategy's best elements to ensure that the cheapest, fastest, and best water management options for meeting our water future are fully realized before making St. George residents and all Utah taxpayers build unnecessary, expensive projects such as the Lake Powell Pipeline.

*Amelia Nuding is a senior water resources analyst at Western Resource Advocates, which works to protect the West's land air and water.*

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#### 4. State board opposes Negro Bill name change

*The Moab Sun News, Aug. 10 | Rudy Herndon*

Negro Bill Canyon should not be renamed because there's no consensus among two key African-American groups that the word "Negro" is derogatory, a state advisory panel said last week.

The Utah Committee on Geographic Names declined on Thursday, Aug. 3, to support a name change that a majority of Grand County Council members formally backed in January. In its recommendation, the state committee cited mixed reactions to the proposal from the National



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Association for the Advancement of Colored People's (NAACP's) regional chapter on the one hand, and the Martin Luther King Jr. Commission on the other.

NAACP Tri-State Conference of Idaho, Nevada and Utah President Jeanetta Williams is perhaps the foremost opponent of the name change in Utah.

Williams told the Moab Sun News earlier this year that the word "Negro" should not be construed as derogatory. It's a common place name, she said, and one that groups like United Negro College Fund and the National Council of Negro Women use to this day.

But in a letter to the committee, the Martin Luther King Jr. Commission, a state organization whose mission is to promote diversity, equity and human rights, called the moniker a "racially offensive descriptor."

The state committee's vote against the name change came exactly seven months after the county council voted 5-2 in favor of a letter that asks the U.S. Board on Geographic Names to formally rename the popular hiking area "Grandstaff Canyon."

The scenic recreation area about 7 road miles northeast of downtown Moab was originally named for William Grandstaff, an African-American settler who lived in the area from 1877 to 1881. (In the past, his last name was commonly spelled in the Moab area as "Granstaff," but historic records from Glenwood Springs, Colorado – where he lived later on in his life – include the letter "d" in his surname.)

Grand County Council vice chair Mary McGann, who led the charge to recommend the name change after several previous attempts failed, said the state committee's vote is a sign of Utah leaders' historic attitudes toward African Americans.

"I'm disappointed, but not surprised," she said. "Utah fought against the Martin Luther King Jr. holiday very strongly ... and the state has had a record of not being strong on civil rights issues."

However, McGann hadn't expected a vote on the issue to come up when it did: She said that no one from the committee contacted her or the county council to inform them of the Aug. 3 meeting, or the agenda item in question.

In hindsight, McGann said she feels like she "dropped the ball."



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“I need to be more proactive (on this issue),” she said. “I just kind of relaxed and moved on to other issues.”

However, the committee’s recommendation is by no means her last chance to weigh in on the matter: The ultimate authority over name changes on federal lands rests with the U.S. Board on Geographic Names, which is expected to make a final determination about changing the name later this year.

The federal board discourages name changes unless it determines that they’re “necessary,” and there are compelling reasons to adopt any revisions. Attempts to correct or re-establish historical usage of a word are not valid reasons to change a place name, the board says, adding that its decisions lean heavily on the side of local use and acceptance of a word in question.

But McGann said she’s optimistic that supporters of the name change will have better luck with the federal board.

McGann first decided to revisit the issue after white supremacist Dylann Roof murdered nine people in 2015 at an historic African American church in Charleston, South Carolina. The word “Negro,” she has said, is an offensive symbol of oppression that tarnishes Grand County’s image among visitors.

Moving forward, she hopes to make her case in favor of the recommendation as a longtime resident, now-retired teacher and elected county official.

“I haven’t given up,” she said.

Utah Committee on Geographic Names ex-officio member David Vincent declined to comment on his panel’s recommendation and referred all questions to committee executive secretary Arie Leeflang.

Leeflang said he is not authorized to discuss the committee’s vote.

BLM to keep “Grandstaff Trailhead” name

No matter which direction the U.S. Board on Geographic Names takes, the U.S. Bureau of Land Management’s (BLM’s) Moab office is standing by its September 2016 decision to replace the old “Negro Bill Canyon Trailhead” signs at the mouth of the canyon.



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BLM spokesperson Lisa Bryant said her agency has the regulatory authority to rename campgrounds, facilities and trailheads – although not the name of the canyon itself.

In this case, she said, the BLM installed new “Grandstaff Trailhead” signs as its way of honoring the man. While the first set of signs were stolen within a matter of days after they were installed – and later retrieved from the nearby Colorado River -- their replacements have been untouched to date.

In the future, Bryant said the BLM is hopeful that visitors can have meaningful and respectful conversations about Grandstaff and the role he played in the area’s history.

“It’s pretty unique and it’s an interesting story,” she said. “We don’t know that much about him.”

BLM Canyon Country District Manager Lance Porter said his agency recognizes that there are many valid perspectives and opinions about the naming of the canyon. But he and Bryant noted that the history of Grandstaff and his ties to the area is still on display for all visitors to see.

“We invite the public to visit this beautiful canyon and read the interpretive sign at the trailhead to learn more about him,” Porter said.

The question of proper signage near the trailhead has been one of Williams’ main concerns: If the U.S. Board on Geographic Names ultimately approves the change, Williams has said she is concerned that Grandstaff’s unique place in local history will be lost, unless adequate interpretive signs or informational kiosks are in place.

“They’ll think he was just another person in the area, without the full knowledge of who he was,” she said earlier this year. “If they can keep the history intact, where people actually know who William Grandstaff was, that would be a good thing.”

During a recent visit to the canyon, Moab resident Michael Wilson voiced similar sentiments, noting that someone long ago etched a variation of the Negro Bill name – using the actual “N-word” – on the sandstone above the canyon floor.

“I don’t know why they changed (the name of the trailhead),” Wilson said. “It’s history. It even says it on the rock up there.”



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Wilson said he believes the change in trailhead names has likely caused confusion, leading some visitors to drive by the new Grandstaff Trailhead signs and keep going because they're still looking for Negro Bill Canyon.

He said he agrees with Williams' position that the word "Negro" is not offensive.

"There's nothing wrong with that name," he said. "I think it's an overreaction."

Although McGann said she thought the name change was a "done deal" – and now turns out not to be – she thinks it's inevitable that the Negro Bill name will eventually give way to a new moniker for the canyon.

"It's going away," she said. "It will happen in my lifetime."

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#### **5. Circuit Court refuses to hear prairie dog appeal forcing Iron County to return to old plan**

*St George News, Aug. 11 | Tracie Sullivan*

CEDAR CITY – The issue of Utah prairie dogs may be on their way to the U.S. Supreme Court after an appeals court refused to hear arguments this week regarding an earlier ruling that found a federal judge had erred in his 2014 decision.

In 2013, attorneys for People for the Ethical Treatment of Property Owners filed a lawsuit against the federal government challenging its regulation of the Utah prairie dog and its impact on property rights. Members of PETPO include private property owners as well as entities such as Cedar City Corporation, who claim the burrow-dwelling rodents are damaging property and causing economic harm.

The lawsuit argued that the Commerce Clause of the U.S. Constitution doesn't allow the federal government to regulate animals found on private land in only one state as is the case with Utah prairie dogs. The group requested relief from the federal protections provided under the Endangered Species Act.



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U.S. District Judge Dee Benson from Utah ruled in the group's favor in 2014 finding that the Commerce Clause does not apply. Benson's ruling removed ESA protections and turned the management of the rodent population over to the state.

The U.S. Fish and Wildlife Service appealed the decision to a three-judge panel on the 10th Circuit Court of Appeals arguing that the federal protections should be restored.

The three justices unanimously overturned Benson's 2014 decision. The Denver-based appeals court ruled that the ESA is tied to interstate commerce, and if the act's protections were only applied to species living in multiple states, it would "leave a gaping hole" in the law.

"Congress had a rational basis to believe that regulation of the take of the Utah prairie dog on nonfederal land is an essential part of the ESA's broad regulatory scheme, which, in the aggregate, substantially affects interstate commerce," wrote U.S. Circuit Judge Jerome Holmes.

The Republican appointee noted then that 68 percent of species protected under the ESA have habitats in only one state. Therefore, he argued, if the federal government is only allowed to provide protection to those animals whose habitats cross state borders it could "severely undercut" those protections.

Following the ruling, attorneys requested the full circuit court hear the case but the 18-member panel, comprised of 11 Democratic appointees, denied hearing the case this week forcing the group to either surrender the case entirely or appeal to the U.S. Supreme Court.

Matt Munson, an attorney for Iron County residents and local government, said the group plans to appeal the decision but knows it's a long haul to get in front of the nine justices who make up the highest court of the land.

"It's really hard to get a case in front of the Supreme Court," Munson said. "It's not an automatic thing that happens. So, we have a long way to go before we get there, but I think if we can get our case heard we have some allies in that court. I believe we will have a majority there that will rule in our favor."

Munson has 90 days to file a petition asking the Supreme Court to hear the case.

In the meantime, Munson plans to ask the circuit court to stay Benson's ruling, which would allow the county to continue operating the same way it has since 2014.



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If the circuit court refuses to stay Benson's ruling, Iron County will be forced to return to the old habitat conservation plan it was following prior to Benson's 2014 ruling. The plan only allows for about 70 take permits per year while the county takes in more than 400 applicants in the same time, County Commissioner Alma Adams said.

"It will affect growth," Adams said. "We just don't have enough take permits to go around; and it was so costly under the federal government – because property owners had to pay for the permits – that it often stopped people from even going after the permit. First, they (property owners) have to apply then wait to find out if they get a permit and then pay a fee for the permit to remove the dogs from their own property. It's just ridiculous."

The group is also working through some other options that, if successful, may avert the petition to the high court.

Munson is also hopeful for the first time in working with the Fish and Wildlife Service, believing the group may have an "understanding and knowledgeable ally" in the newly appointed deputy director Greg Sheehan.

Sheehan was the former director of the Utah Division of Wildlife Resources and assisted in creating the state plan the county has operated under for three years. He remained in that position until Interior Secretary Ryan Zinke appointed him to the country's Fish and Wildlife Service in June.

Last April, Sheehan called the state plan a success pointing to information released that same month by the state's Division of Wildlife Resources that showed the population of prairie dogs under state management had reached the highest numbers counted since surveys started in 1976. He said:

It was a win-win for everyone. Local communities, local governments and private property owners were all happy and the Utah prairie dogs were also thriving in their own habitat .... The prairie dogs have done really well in those areas and are increasing in population numbers because they're in their own habitat rather than in the urban centers where they don't belong.

The U.S. Fish and Wildlife Service drew up a general conservation plan this last year prior to Sheehan's appointment that the county can choose to adopt or they can use their own habitat conservation plans that were created before Benson's ruling.



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Adams, however, said Iron County's old habitat conservation plan is set to expire and he isn't interested in going through the same process again.

"It took so long," Adams said. "We worked on that thing for years and now we have a choice to use it again or adopt the GCP (general conservation plan) but our HCP (habitat conservation plan) is set to expire so we would have to go through the process all over again to create a new one and it's just too much and too big of a process to do again."

Sheehan previously called the GCP more "restrictive and cumbersome" than the state plan but said he was hopeful the federal government would be open to working with the Division of Wildlife Resources and implementing some of the strategies they used in the state plan to streamline the process.

Munson is hopeful Sheehan's statement in April is indicative of how he will move forward in his new role.

"There is absolutely no one who denies, nor can they deny because the facts speak for themselves, that the prairie dog thrived under the state plan," Munson said. "I'm hoping we can work something out with the Fish and Wildlife Service to be able to create a plan that will resemble the state plan that has been so successful."

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#### 6. **Op-ed: Time to get the 'Trigger Trash' out of Saratoga Springs**

*The Deseret News, Aug. 11 | Jim Miller*

For years, the Saratoga Springs area has been a place where responsible gun enthusiasts can go target shooting and enjoy the beauty of our outdoor recreation. Like many who have lived in the area for some time, I remember growing up and going shooting on the west side of Utah Lake as a kid. It was during that time in my life when the value of responsible gun ownership and respect for the land were instilled within me.

Unfortunately, today there are a few irresponsible individuals who carelessly leave their "trigger trash" all around the west side of Utah Lake. For those who do not know the term, "trigger trash" is not some politically incorrect slur, it is simply the garbage that irresponsible target shooters



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leave behind. For the millions of responsible gun owners who care about our lands and this sport, we want to see an end to this type of irresponsible activity.

However, even more frustrating than those who leave behind their trigger trash are those who carelessly shoot tracer ammunition and exploding targets in the dry hills, near the homes of our Saratoga Springs residents. This year, two of the wildfires in Saratoga Springs were caused by target shooting. Collectively, these two fires burned more than 40 acres, required 60 personnel from the Saratoga Springs Fire Department and neighboring fire departments, and cost more than \$50,000.

To provide a more historical view, in 2011 over 80 percent of all wildfires in Saratoga Springs were caused by target shooting. In 2012, 18 fires on Lake Mountain were caused by irresponsible target shooting, one of which burned over 5,300 acres, caused evacuation of more than 1,000 homes in both Saratoga Springs and Eagle Mountain, and expended \$2.5 million by federal, state, county and other entities. Ironically, in the vast majority of all these cases, those responsible for these fires were not even residents of Saratoga Springs, nor Utah County, which is an increasing pattern.

As mayor of the city of Saratoga Springs, and as a responsible gun enthusiast, we welcome visitors to our beautiful community to enjoy the wonderful recreational opportunities offered here. However, as a city we are tired of seeing the scars on our mountain, the trash on our hillsides and the reckless destruction of our recreational spaces. I speak of this as “our mountain,” because it belongs to all of us, and Saratoga Springs will no longer stand for the irresponsible actions of a few who hinder the quality of life for all. As such, I am telling those who want to bring trigger trash to our community to simply stay home — don’t even take it elsewhere — just stay home.

Just as importantly, I invite everyone to learn how to be a responsible gun owner by taking a basic hunter safety course. Every responsible gun owner knows that this course is essential, because it teaches the very basics of gun safety and responsibility. Anyone can sign up for a course for only \$10 through the Utah Division of Wildlife Resources’ website at <https://wildlife.utah.gov/hunter-education.html>. Think of it. A \$10 course can save hundreds of thousands and even millions of dollars in damages and heartache. The bonus of taking this course is that gun enthusiasts get to enjoy target shooting and talk shop while taking the course.



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So before you go target shooting in Saratoga Springs — or anywhere else for that matter — please learn the basics of gun safety and apply the old Boy Scout principle of leaving the area better than when you found it, not worse. Saratoga Springs welcomes responsible gun owners, as well as those who want to enjoy mountain biking, hiking, boating and all of our outdoor recreational amenities, but we politely ask those who cannot live by these basic principles to simply stay home!

*Mayor Jim Miller has served on the Saratoga Springs City Council since January 2010. He grew up in Lehi and has lived in Saratoga Springs since 2005. His professional background is in business operations and banking. Mayor Miller is an Eagle Scout, gun enthusiast and avid outdoorsman.*

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#### **7. Human activity — racing included — is shrinking the Bonneville Salt Flats, U. researcher says**

*The Salt Lake Tribune, Aug. 12 | Emma Penrod*

After nearly two years of researching on the Bonneville Salt Flats, University of Utah geologist Brenda Bowen says she's increasingly convinced that the ecosystem is more sensitive to human interactions than previously thought.

Bowen's research still is incomplete — her first paper is expected out this fall, and a final report isn't due until 2018. But the more data Bowen collects, she said, the more she's convinced human activity is changing the landscape.

"To think that one part of the land use isn't having an impact is overlooking the complexity of the system," she said.

Bowen leads a multidisciplinary team of researchers investigating apparent changes in the Bonneville Salt Flats, which have shrunk in the past 30 years.

Since they began their studies in 2015 in response to outcry from car enthusiasts who use the landscape as a specialty race course, the scientists have investigated the flats' weather, chemistry, geology, hydrology and even the microbial inhabitants.



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Bowen said human interactions with the iconic landscape — including the land speed racing for which the flats are internationally known and the potash mine located near the race track — may be responsible for the changes. But the link between those interactions and changes to the landscape are less clear, she said.

Bowen said she also believes that natural processes, as well as climate change, are affecting the salt flats.

“It’s not really mysterious that the landscape is changing, because of course it’s changing. It would be more shocking to me if it weren’t changing,” she said. “It’s absolutely always changing, and many of these changes are linked to human activities, including racing.”

Bowen’s team planned to camp on the salt flats this weekend to collect samples of groundwater and observe the opening festivities for Speed Week, a yearly racing event which begins on Saturday. She and colleagues also plan to survey spectators at the event about their perceptions of the Bonneville Salt Flats.

Louise Noeth, a spokeswoman for the Save the Salt Coalition, a group made up mostly of land speed racing enthusiasts, said it was “absolutely reasonable” to assume human activity affects the salt flats. But, Noeth said, the racing would not have a detrimental effect on the salt crust, had it not been weakened by decades of mineral extraction.

“I welcome what Brenda Bowen has to say,” Noeth said, “but she’s doing her study when Bonneville is on critical life support.”

Noeth said the land speed racing community does not blame Intrepid Potash, which extracts potassium from the salt flats, for the landscape’s decline. The company was doing what it was legally authorized to do, she said, and has cooperated with efforts to preserve the salt flats.

Rather, Noeth said, she believes mismanagement by the Bureau of Land Management is at least partly responsible for the salt flats’ condition.

“If the BLM had been better stewards, she said, ”we wouldn’t be talking about this. There wouldn’t be that human harm. You can let people into Yosemite, but you wouldn’t let them clear-cut.”



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Hannah Cowan, a spokeswoman for the BLM, said the agency stands by its decisions on managing the Bonneville Salt Flats. While the agency understands the racers' concerns, Cowan said, the BLM has been charged with managing multiple uses — including land speed racing and potash extraction.

Until the BLM sees the results of Bowen's study, Cowan said the agency does not plan to make any changes to its current management of the area.

"We've very supportive of the land speed racers and their concerns," she said. "We understand that this is an important system to them, with generations of racers coming out and a lot of technology involved, and we respect that."

Meanwhile, Noeth said, the racing community has taken matters into its own hands, by asking anyone who drives onto the salt flats during Speed Week to scrape the salt from their vehicles before departing.

"We've had so many of the average racers who feel powerless to try to do anything against the federal government or a mining concern," she said. "That's what this program is all about — it's like every single racer stopped before they got off the salt and essentially wiped their feet off at the doormat."

Additionally, Save the Salt has been negotiating with Intrepid Potash to increase the amount of salt water — one of the company's waste products — now being pumped onto the Bonneville Salt Flats each spring in an effort to rebuild the salt crust.

The salt flats on the mine's side of the highway, Noeth said, have plenty of salt to spare.

"Once you see that, you understand the imbalance," she said. "You don't need Brenda Bowen. You don't need a scientist. All you need is your eyes and a little common sense."

Several attempts by The Salt Lake Tribune to reach Intrepid Potash, headquartered in Denver, for comment were unsuccessful.

Bowen said her team has no scientific data showing the salt water pumping is an effective method of growing the surface crust.



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“If they want a stable salt crust that’s always exactly the same, maybe they should build a stadium because in nature you’re always going to have changes,” Bowen said. “If you expect it to be static and the same, you’re going to be disappointed.”

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#### 8. **BLM Set to Begin Bible Springs Complex Wild Horse Gather**

*TheHorse.com, Aug. 13 | Press Release*

The Bureau of Land Management (BLM) will be removing excess wild horses from areas within and outside the Bible Springs Complex in Iron and Beaver counties, Utah, beginning Aug. 15.

“The BLM is committed to maintaining a healthy wild horse population and healthy rangelands in the Bible Springs Complex Herd Management Area,” said BLM Cedar City Acting Field Manager Paul Briggs. “By managing herd growth, we are ensuring enough food and water is available for the wild horses, while at the same time protecting public rangeland resources and reducing conflicts with private land owners.”

The Bible Springs Complex includes the Four Mile, Tilly Creek, and Bible Springs herd management areas (HMA). The current wild horse population estimate in the Bible Springs Complex is approximately 619 animals; the BLM plans to gather and remove 100 wild horses from state, private, and BLM-managed lands. Animals removed from the range will be available for adoption through BLM’s Wild Horse and Burro Adoption Program. Those that are not adopted will be cared for in long-term pastures.

The public is welcome to observe daily operations through BLM-escorted tours, provided the safety of the animals, staff, and observers are not jeopardized and operations are not disrupted. Observers must provide their own transportation, water, and food. No public restrooms will be available. The BLM recommends weather appropriate footwear and neutral-colored clothing. Binoculars and four-wheel-drive, high-clearance vehicles are also strongly recommended. Those interested in participating should meet at the Maverik Adventure’s First Stop, 220 North Airport Rd in Cedar City, Utah, where tours will depart at 5 a.m. MST. Details will be announced daily on the BLM gather hotline at 801/539-4050.

Visitors and observers to the gather area should be aware that low flying helicopters will be used as part of the operation. Flying unmanned aerial vehicles (drones) near the Wah Wah and Indian



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Peak Mountain ranges will be prohibited during the gather. Brief road closures might also be needed to allow horse movement during gather operations.

Gather updates and information will be posted at [bit.ly/BSCgather](http://bit.ly/BSCgather). Anyone interested can get updates on Twitter by following @BLMUtah or searching #BSCGather. To learn more about the wild horse and burro program or to obtain an adoption application, visit the BLM National Wild Horse and Burro website at [on.doi.gov/2h11IDS](http://on.doi.gov/2h11IDS).

Details on the environmental assessment for this gather can be found at [bit.ly/BSC EA](http://bit.ly/BSC EA).

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#### 9. **BLM Utah announces Paul Briggs as the new Cedar City Field Manager**

*Iron County Today, Aug. 14 | Press Release*

CEDAR CITY, UTAH — In keeping with the Administration's goals of better serving state and local communities, the Bureau of Land Management (BLM) announced the selection of Paul Briggs as the new Cedar City Field Manager.

Briggs, who previously served as the BLM Color Country District's fuels program manager, will take on his new role in the district on July 31. His position is for one year, while the BLM works to align its workforce with the anticipated Fiscal Year 2018 budget.

“Paul brings a wealth of knowledge and leadership that he’s built upon for the past 32 years,” said Color Country District Manager Ahmed Mohsen. “Paul works tirelessly to build relationships and partnerships to leverage federal resources that benefit the communities. He understands local concerns and how they fit on a regional, even national scale. I’m excited to have him in a position that allows him to put in place the vision we all share.”

Briggs began his federal career as a seasonal firefighter in 1985, while attending Southern Utah State College (now Southern Utah University) and later at Utah State University where he majored in range science.

He served as a range conservationist in the BLM’s Fillmore, Utah, office and as a rangeland management specialist in Cedar City. Since 2001, Briggs helped develop, then manage the fuels



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program that removes invasive or hazardous plants from Utah's landscape. The Color Country District program is the largest in the state, reducing 70 percent of Utah's hazardous fuels target and emergency stabilization following wildfires.

The Cedar City Field Office is one of four field offices in the BLM's Color Country District. It primarily covers BLM administered public lands and subsurface minerals in Beaver and Iron counties.

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#### **10. The West's latest prospecting frenzy? Extraterrestrial gold**

*High Country News, Aug. 14 | Rebecca Worby*

White Oil, Oro Blanco, Extraterrestrial Gold: lithium, the lightweight element key to rechargeable batteries, has recently acquired a slew of hyperbolic nicknames. As the demand for electric cars, laptops and smartphones has surged, the search is on for more domestic sources of this energy-critical element.

There's only one active lithium mine in the United States — in Nevada's Clayton Valley — but several corporations have recently staked lithium claims in the Paradox Basin, a geological province spanning much of southeastern Utah and some of the neighboring states. Based on decades-old oil and gas well data, they're rolling the dice on a classic mining gamble: What will the geology hold? Will historic numbers prove out? Even if they discover a high enough grade of lithium to be worth pursuing, a myriad of other challenges face companies trying to extract it and bring it to market.

With demand growing at a fast clip—driving the price of lithium from \$4,000 per ton in 2014 to \$20,000 now—a corporation that finds high-grade lithium and develops an efficient extraction process just might feel like it has hit gold. That might not happen in Utah. It might not happen in the U.S., where production costs are high, at all. But that's not stopping the handful of companies hoping for a big strike in the sprawling sagebrush desert outside Moab.

Lithium is found in both hard-rock deposits and in salty brines. Right now, it's mainly mined in what's known as the "Lithium Triangle" where Argentina, Chile, and Bolivia meet, as well as in China and Australia. The economic and national security risks associated with foreign mineral dependence have pushed the pursuit of domestic sources of energy-critical elements like lithium.



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Recognizing this, Sen. Lisa Murkowski, R-Alaska, has introduced several bills meant to improve mineral security. "Instead of lessening our dependence, we are actually increasing our dependence," Murkowski said at a Senate Energy and Natural Resources Committee hearing in March. "We're not making headway on this issue."

Though a number of lithium claims have sprung up near the existing lithium mine in Nevada, Utah has caught the attention of several junior corporations, too. Over the last few years, at least eight different corporations have staked close to 200,000 acres of lithium claims in the Paradox Basin. Notably, none of the usual heavy-hitters of the lithium industry—Albemarle, FMC and SQM—have moved in. Staking has been concentrated in two areas of the basin near Moab: the Big Flat – Long Canyon area about 20 miles west, and Lisbon Valley, about 40 miles south.

In the Paradox Basin, corporations including Liberty One Lithium, Scientific Metals and U.S. Cobalt generally tout a range of from 81 to 1,700 parts per million of lithium found in historic wells in the region. That 1,700—a grade that would rival the world's most concentrated known sources—frequently appears in the companies' marketing materials, and played a key role in sparking the rush to stake claims there. But it's an outlier—and it may be just plain wrong.

That alluring figure comes from the data for just one well. And according to Ed Anderson, CEO of TRU Group, which does lithium consulting, it was the result of one small but consequential arithmetic error. While looking into some Paradox Basin data as part of a project for an oil company in early August, Anderson's team tracked down a 1960s report that they believe to be the original source of the mythical number—and found that a misplaced decimal point may have thrown the figure off by a factor of ten. This would mean the well in question had a lithium grade of just 170 ppm.

The companies staking in the basin have not entirely hung their hopes on that 1,700. They've yet to begin sampling on their claims, according to the local Bureau of Land Management field office. While verifying a number like 1,700 would be thrilling for the companies, "we'd be happy with 300," said Darryl Jones, president and CEO of Voltaic Minerals, which has claimed around 4,000 acres in the area. "If we can get 1,000, we're pretty excited." But the questionable nature of that number, and of historic data generally, only underscores the uncertainty of these enterprises in the first place.

Even if there does prove to be a high-enough concentration of lithium in brines in the Paradox Basin to be worth extracting, there will be other hurdles. The biggest is developing an extraction



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process efficient enough and inexpensive enough to make production there feasible. The Lithium Triangle mines and the Silver Peak mine in Nevada use solar evaporation, a complicated process that entails drilling a well, pumping out the brine, evaporating it in huge ponds, and using chemicals to remove byproducts. This process typically results in loss of up to 50 percent of the lithium in the brine. It's time-consuming. Evaporation takes more than a year and a half. And the sprawl of the pools across hundred of acres makes for a sizeable impact on the environment. (Hard-rock lithium mining, currently happening in Australia and China, has the impacts associated with other hard-rock operations, including land disturbance and impacts on groundwater, vegetation, wildlife, and air quality.)

Some of the corporations in the Paradox Basin are working to develop ways to bypass the slow solar evaporation process. MGX Minerals, the company with the largest holdings in the basin, is scaling up a new process to separate lithium from petroleum brine, the wastewater that results from oil and gas mining. This method could reduce evaporation time to less than a day. Voltaic is also testing new processes.

These are still early days for lithium in the Paradox. Until sampling begins, no one will know for sure what the brines hold. But as long as there's a demand for more lithium to fuel the portable devices that we rely upon, lithium projects will likely continue to pop up wherever there's a hint of possibility, regardless of their feasibility.

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **Republicans making progress on longtime goal for more local control of federal lands**

*USA Today, Aug. 10 | Bartholomew D Sullivan*

WASHINGTON — As the new Republican-dominated House convened in early January, anticipating the arrival of President Trump, the chairman of the House Natural Resources Committee declared it time for a "paradigm shift" in how the more than 25% of the country that is owned by the federal government is managed.

Almost eight months into an all-Republican-led effort, it's clear that shift is under way.



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It started almost immediately. On the first day of the new Congress, Republicans passed a rule that made it easier to make conveyances of federal land by treating such transfers as cost-free even if they would potentially cause losses of revenue from mining or drilling rights.

Days after Trump took office, then-congressman Jason Chaffetz of Utah introduced legislation to dispose of 3.3 million acres of public land in 10 Western states. After irate calls and protests, he withdrew the bill days later.

In March, the new Interior secretary, Ryan Zinke, repealed a January 2016 moratorium on new coal leases on federal land by the Bureau of Land Management before a planned three-year environmental assessment — that would have looked into “the social cost of carbon” — could be completed.

In April, the president asked Zinke to study the size of national monuments made since 1996 by presidential fiat under the Antiquities Act. The review was in the context of a new policy of “energy dominance” and the planned acceleration of resource extraction from public lands.

In June, Zinke, a former Montana congressman and Navy Seal, said the department would postpone elements of the methane rule that requires energy companies to capture the natural gas on public lands rather than flaring it off, the standard industry practice.

In a mid-July meeting with Office of Management and Budget Director Mick Mulvaney, Zinke said he planned to implement the energy dominance Trump has called for by requiring his department to reach faster decisions on leases and permits on federal land, and becoming a partner with extraction industries rather than an adversary. Mulvaney said Interior was “leading the way” in the kinds of deregulation Trump advocates.

Zinke’s views on the evolving Republican House public lands strategy are complicated. He says he wants to be a good steward and opposes turning over federal land to local or state governments or private interests. His justification for delaying full implementation of the methane rule wasn’t so much that it is bad public policy, since it would stop wasting a public resource that could generate revenue, but balancing that goal with the cost to the industry.

While raising revenue from public lands seems in tune with the goals of House Republicans such as Natural Resources Chairman Rob Bishop of Utah, Zinke is not entirely on board with all their agenda. When Republicans convened their national convention in Cleveland last summer, the



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platform committee agreed to a policy of providing “an orderly mechanism requiring the federal government to convey certain federally controlled lands to the states.” Zinke, a member of the committee who disagreed with the policy statement, walked out.

Zinke told senators at his confirmation hearing, and in several public appearances since, that one of his heroes is Theodore Roosevelt, the Republican president who doubled the number of national parks and signed the 1906 Antiquities Act. At a White House roundtable with reporters in July, Zinke talked of lessons learned from John Wesley Powell, who surveyed the West with the U.S. Geological Survey in the late 1890s, and Gifford Pinchot, the first chief of the U.S. Forest Service from 1905 to 1910.

It’s clear that this Interior secretary, comfortable making the rounds in wrinkled jeans and a cowboy hat, is steeped in the history of his department but also devoted to the mission to make the country’s natural resources pay. Unlike Ronald Reagan’s lightning rod of an Interior secretary, James G. Watt, who resigned after two years in 1983 following showdowns with Congress over coal mining and offshore oil drilling, Zinke appears to favor diplomacy.

As Zinke travels the country looking at national monuments and parks, back in the massive C Street Interior Department Udall Building headquarters, his pinstriped deputy, sworn in Aug. 1, is David L. Bernhardt. Bernhardt is an oil and gas lobbyist and lawyer whose clients have included Halliburton Energy Services, the company once run by former vice president Dick Cheney; Rosemont Copper Co., which is seeking a permit to mine in Arizona; and Cadiz Inc., which is seeking access to the aquifer water under the Mojave Desert, according to the environmental activist group Greenpeace’s “Polluter Watch” project.

Also on staff is associate deputy secretary James Cason, who notified several members of the senior executive staff in June that they were being reassigned. One, director of policy analysis Joel Clement, the department’s specialist on arctic climate change, was reassigned to an office handling oil lease royalty payments. He wrote a Washington Post op-ed saying he was being retaliated against and that the transfer was intended to make him quit. Cason held Interior jobs under George W. Bush and was involved in minerals management under Ronald Reagan.

After learning of the reassignments, Sen. Maria Cantwell, D-Wash., and seven other Democratic senators wrote to the Interior Department’s inspector general, saying that the suggestion that the executives were moved to silence or “punish them for the conscientious performance of their



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duties is extremely troubling and calls for the closest examination.” The senators called the transfers “a serious act of mismanagement” and “an abuse of authority.”

Soon after he was named, the department’s new principal deputy solicitor, Daniel H. Jorjani, was called as a witness before Bishop’s Natural Resources Committee oversight hearing June 28 to examine the impact of “excessive litigation” filed against the department.

While the committee’s ranking Democrat, Rep. Raul Grijalva of Arizona, questioned the entire premise of the hearing, Rep. Tom McClintock, R-Calif., sought to discredit environmental activists and those implementing consent decrees by asking Jorjani what it meant for an environmental organization to “sue and settle.” The witness said it was a method of achieving a policy objective through resort to the courts.

But McClintock, chairman of the subcommittee on federal lands that had held a June 8 hearing on “burdensome litigation” affecting the U.S. Forest Service, had a more sinister view. “So an objective would be essentially collusion between litigants and ideological zealots in the bureaucracy to achieve a foregone or fore-ordained conclusion by court order that they know they couldn’t get by regulation or by law,” he suggested. Jorjani said he would not make any assumptions about intentions or characterize parties as zealots.

In his written testimony, Jorjani said settlements can be “useful and beneficial” by saving taxpayer money and are reviewed by federal judges to assure they’re entered into in the public interest.

“Judges are already empowered to deal with litigation that is without merit or frivolous, including the authority to punish attorneys for pursuing abusive litigation,” said Grijalva, the top Democrat on the committee. “The number of cases where courts use that authority is small, and it happens no more often with environmental litigation than in other kinds of cases.”

Later in the same hearing, witness Lois Schiffer, a former general counsel to the National Oceanic and Atmospheric Administration, clearly offended at the attacks on the integrity of civil servants, volunteered that in her experience government lawyers take their ethical obligations seriously and “do not collude.”



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That got the attention of Rep. Paul Gosar, R-Ariz., who said a “blanket statement that government lawyers don’t collude is a false statement because they’re humans” and said Schiffer’s assertion was “just flabbergasting.”

Attacks on environmental plaintiffs and their attorneys’ fees has been a decades-long crusade. Bishop has championed Western land use issues since he was a state legislator in the early 1990s before bringing his cause to Washington. In May, Bishop’s committee looked at what it called “executive branch overreach of the Antiquities Act” to make the case for more local approval before designations are made. A 13-page memorandum to the Budget Committee this year contains his case for the proposed “paradigm shift” as well as calling for \$50 million to facilitate conveyances of federal land to state, local and tribal governments.

Besides diminishing the size of national monuments, Bishop opposes acquiring additional lands until those it manages are put in order. Interior oversees the national parks which have \$12 billion in deferred maintenance.

The entire Utah congressional delegation, including Bishop, objected when President Obama declared the Bears Ears national monument in December, weeks before leaving office. Its 1.35 million acres in what was Chaffetz’s district are on the list of the monuments Trump has asked to have re-evaluated, and Zinke toured it in May on horseback. He later said it needs to be scaled back to conform with the Antiquities Act provision that the area protected be the smallest compatible with that goal. A final recommendation to Trump is due later this month.

“This is just the beginning of the Trump administration’s assault on our national monuments,” Reah Suh, president of the Natural Resources Defense Council, said of the Bears Ears finding.

Bears Ears is one of 27 national monuments Trump asked to have re-evaluated. Zinke has since taken five off the list, agreeing with environmentalists they should be left as-is, including the Missouri Breaks in his native Montana and a section of the Grand Canyon in northwest Arizona.

The Republican lands policy also calls for a reevaluation of the protections under the Endangered Species Act and a review of policy regarding the sage grouse. The renewed call for reforming the ESA began shortly after November’s elections with an attack on Obama administration plans to re-list the lesser prairie chicken as endangered.



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Unrelated to issues of endangered species, in July the House Appropriations Committee reviewing the Interior Department's 2018 budget voted to end the prohibition against killing wild horses on public lands.

The effort to assert more local control over federal lands comes at a time of heightened political aggression some liken to the Sagebrush Rebellion of the 1970s and '80s. The push for local control erupted in last year's five-week armed standoff at an Oregon bird sanctuary and, before that, the 2014 armed standoff in Nevada by Cliven Bundy who refused to pay grazing fees for use of federal land. Before he resigned his seat in late June to become a Fox News contributor, Chaffetz introduced a bill to remove Bureau of Land Management and Forest Service rangers from public lands and let local law enforcement patrol them. His rationale: to reduce the conflicts like the ones that led to incidents in Oregon and Nevada.

Obama expanded California's coastal national monument just eight days before leaving office. Trump's April executive order calling for an America First Offshore Energy Strategy threatens to allow drilling in some of the most pristine parts of the coast and has led to letters of protest and an extension of the public comment period. Offshore Santa Barbara was the scene of the state's worst oil in 1969 and led to the first-ever Earth Day.

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#### **2. Drama erupts at Bundy retrial as judge scolds defendant, orders him off stand**

*The Republic | azcentral.com, Aug. 10 | Robert Anglen*

A Las Vegas courtroom erupted in drama Thursday when a federal judge ordered a defendant in the Bundy Ranch standoff trial to get off the stand, struck his testimony, dismissed jurors and abruptly left the bench.

Jurors looked stunned as Eric Parker returned to the defense table with his head hung and then buried his face in his hands, according to lawyers in the case.

"He put his head down on the counsel table and appeared to be crying," defense lawyer Shawn Perez said. "My observation of the jury was they were looking at everybody in the courtroom and going, 'What just happened?'"



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Perez, who represents Richard Lovelien of Oklahoma, one of four defendants being retried for their roles in the 2014 Bundy Ranch standoff, said everyone in the courtroom — from jurors to lawyers to observers — was stunned into momentary silence.

"I've never seen anything like it," he told The Arizona Republic in a phone interview Thursday. "It would not surprise me if there is a call for a mistrial."

Parker, of Idaho, was testifying in his own defense just before 3 p.m., when U.S. District Court Judge Gloria Navarro stopped him from talking and said she was going to strike his words from the record. She then told Parker to step down.

Parker's lawyer, Jess Marchese of Las Vegas, said he is still trying to wrap his head around what happened, saying he's never experienced anything remotely similar.

"I looked at some of those jurors and they looked aghast," Marchese said Thursday. "I looked at one woman (juror), and she looked like she had just seen someone get their head cut off."

Marchese said Parker was distraught and started crying when he sat down.

Parker was attempting to tell jurors what he saw during the standoff over a barrage of objections from prosecutors, who said he was violating court orders not to talk about what happened in the run-up to the standoff.

Defense lawyers said Navarro called them to the front of the courtroom and told them Parker could testify only about what he saw during specific moments of the standoff.

As soon as Marchese resumed questioning, prosecutors intensified objections, and that's when lawyers said Navarro halted the testimony and shut down the courtroom for the day.

Lawyers said after Navarro removed Parker from the stand, she asked them if they were prepared to call additional witnesses. Then she ordered the parties to return to court Monday morning and told jurors they could leave.

The judge left the courtroom before jurors filed out.

"We were really trying to be careful not to violate the court order," Marchese said. "But it was very restrictive and difficult."



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Across from the aisle from the defense, federal prosecutors appeared as troubled by the developments as the defense, Perez said.

Acting Nevada U.S. Attorney Steven Myhre, who is leading the prosecution, could not be reached for comment. A spokeswoman for his office said Thursday the U.S. attorney would not comment on the case.

Parker, Lovelien and Steven Stewart and O. Scott Drexler, both of Idaho, are accused of conspiracy, extortion, assault and obstruction for helping rancher Cliven Bundy fend off a government roundup of his cattle in what became known as the Battle of Bunkerville.

Navarro's rulings have severely limited defense arguments to avoid what she has described as jury nullification.

Navarro has barred defendants from discussing why they traveled thousands of miles to join protesters at the Bundy Ranch. She will not allow them to testify about perceived abuses by federal authorities during the cattle roundup that might have motivated them to participate.

Navarro also has restricted defendants from raising constitutional arguments, or mounting any defense based on their First Amendment rights to free speech and their Second Amendment rights to bear arms. In her rulings, Navarro has said those are not applicable arguments in the case.

#### **Retrial delays trial of Cliven Bundy, sons**

A jury in April deadlocked on charges against the four men. It convicted two other defendants on multiple counts. But it could not agree on conspiracy charges — a key component of the government's case — against any of the six.

Jurors found Todd Engel of Idaho guilty of obstruction and interstate travel in aid of extortion and Gregory Burleson of Arizona guilty on eight charges, including threatening and assaulting a federal officer, obstruction, interstate travel in aid of extortion and brandishing a weapon.

Navarro sentenced Burleson to 68 years in prison last month.



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The trial was supposed to serve as a strategic springboard for prosecutors — the first of three trials involving 17 defendants prosecuted in groups based on their levels of culpability in the standoff.

The second trial, which will include Cliven Bundy and his sons, Ammon and Ryan Bundy, who are considered ringleaders in the standoff, was supposed to start 30 days after the first trial ended in April.

But Navarro ordered the second trial delayed until after the retrial of Parker, Drexler, Lovelien and Stewart.

#### **What happened near Bundy Ranch?**

The Bundy Ranch standoff is one of the most high-profile land-use cases in modern Western history, pitting cattle ranchers, anti-government protesters and militia members against the Bureau of Land Management.

For decades, the BLM repeatedly ordered Bundy to remove his cattle from federal lands and in 2014 obtained a court order to seize his cattle as payment for more than \$1 million in unpaid grazing fees.

The Bundy family issued a social-media battle cry. Hundreds of supporters from every state in the union, including members of several militia groups, converged on his ranch about 70 miles north of Las Vegas.

After the BLM abandoned the roundup, the standoff was hailed as a victory by militia members. Ammon and Ryan Bundy cited their success at Bundy Ranch in their run-up to the siege of an Oregon wildlife refuge in 2016, also in protest of BLM policies.

An Oregon federal jury acquitted Ammon and Ryan Bundy and five others in October. A second federal jury in Oregon delivered a split verdict against four others in March, acquitting two men on conspiracy charges and convicting two others.

No arrests were made in the Bundy Ranch case until after the Oregon siege ended.



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The BLM abandoned the roundup because they were afraid they were going to die, federal prosecutors told jurors. They said law-enforcement officers were surrounded and outgunned in a dusty arroyo beneath Interstate 15 where they had penned the cattle.

Local, state and federal law-enforcement officers testified they believed they would be drawn into a bloody shooting war with unarmed men, women and children in the crossfire.

Images of Parker have come to epitomize the standoff. He is pictured in an iconic photo lying prone on an overpass and sighting a long rifle at BLM agents in the wash below. The image galvanized the public and brought international awareness to the feud over public lands and the potential consequences of such a dispute.

But jurors in the first trial couldn't agree on whether Parker brandished a weapon, assaulted officers or even posed a threat to them.

Marchese said Thursday the judge's actions put him in "uncharted waters," and he had no idea what to expect when court resumes on Monday. He said there was no question the jury had strong reactions to what happened.

"I personally was stunned," he said. "I am still stunned. If my recollection of things is what happened, then I have no words."

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### 3. 27 National Monuments Are Under Review. Here Are Five to Watch

*The New York Times, Aug. 11 | Lisa Friedman, Nadja Popovich and Matt McCann*

No president has ever abolished a national monument designated by a predecessor. President Trump may try to change that.

Ryan Zinke, the secretary of the interior, is reviewing 27 national monuments to determine if previous administrations exceeded their authority in setting aside craggy vistas, ancient cliff dwellings and other large tracts of land for protection. He is expected to recommend that some be scaled back, or perhaps eliminated entirely and transferred to state ownership.



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Democrats and environmental activists see the review as part of a broad effort within the Trump administration to unravel the conservation legacy of President Barack Obama, who under the 1906 Antiquities Act put more land and water under federal protection than any other president. Yet Mr. Zinke's study, due by Aug. 24, stretches back 21 years to include other national monuments that remain a source of acrimony, particularly in the West.

Not all of the monuments are truly in the administration's cross hairs, and Mr. Zinke has already declared some of them safe from changes. While any of the others could be altered, critics and supporters of the review say only a handful face significant scrutiny. Here are some of the big ones to watch.

#### **Grand Staircase-Escalante**

1.88 million acres | Designated by Bill Clinton, 1996

It's no accident that the Antiquities Act review goes back to 1996. That's when President Bill Clinton, standing on the south rim of the Grand Canyon with the actor Robert Redford by his side, declared the Grand Staircase-Escalante National Monument in southern Utah. The announcement took state leaders by surprise. Angered that Washington had ignored local views and quashed a proposed coal mine that had promised hundreds of jobs, residents in the neighboring town of Kanab flew flags at half-staff. Two decades later, opponents are still seeking ways to shrink the monument.

Republicans and other critics have long charged that the 1.9 million-acre monument closes off many areas to development, particularly the coal reserves along the Kaiparowits Plateau in Garfield and Kane counties. Meanwhile, park managers say that Grand Staircase-Escalante has never been adequately funded or staffed to support its original scientific mission.

When Mr. Zinke visited in May, he declined to say if mineral resources would play a role in deciding whether to rescind or shrink the monument designation. "Monuments should never be put in a position to prevent rather than protect, and the president is pro-energy across the board," he told the St. George News.

#### **Bears Ears**



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1.35 million acres | Designated by Barack Obama, 2016

Hailed by environmentalists and Native American groups, pilloried by conservatives and many local residents, Bears Ears National Monument has become the poster child for the fight over Mr. Obama's preservation agenda.

Mr. Zinke has already vowed major changes to this vast expanse of Utah sandstone and red rocks that Mr. Obama designated for protection, along with 300,000 acres of land in Nevada as Gold Butte National Monument, in the waning days of his administration.

Native American groups, for whom the rock formations and canyons are considered sacred ground, have fought to maintain the monument, arguing that archaeological sites have been defaced and that burial sites have been looted. But Utah's political leaders denounced the decision. Senator Orrin G. Hatch, a Republican, called it an "egregious abuse of executive powers."

In a preliminary report unveiled in June, Mr. Zinke recommended shrinking Bears Ears' borders by identifying and separating "areas that have significant objects to be protected." The early move has already prompted outrage from outdoor recreation companies like Patagonia and REI, and spurred the Outdoor Industry Association to pull their annual trade show out of Utah. They and others have vowed to go to court to fight any proposed changes to the monument.

#### **Organ Mountains-Desert Peaks**

496,330 acres | Designated by Barack Obama, 2014

When Mr. Zinke flew by helicopter in July over the jagged Organ Mountains in southern New Mexico, he proclaimed the beauty of the monument, though he described it as "a little disconnected."

"The boundaries are difficult to discern — between private, public, state lands," he said at a news conference.

Mr. Zinke has pledged to remain open-minded about the review. But environmentalists at the Natural Resources Defense Council and the Center for Biological Diversity are concerned that the large Western monument designated by the Obama administration could be altered.



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In designating Organ Mountains-Desert Peaks, Mr. Obama claimed the monument would spur \$7.4 million in new economic activity. Ranchers, however, have worried that the monument will hurt their business. They also argue Mr. Obama did not follow the spirit of the Antiquities Act, which calls for protected lands to be “confined to the smallest area compatible with proper care and management.”

#### **Katahdin Woods and Waters**

87,563 acres | Designated by Barack Obama, 2016

The governor of Maine has denounced this sweeping monument in forestland that once was the heart of large-scale logging operations in the state.

Mr. Obama designated the monument in Maine’s North Woods in August 2016 on land donated by Roxanne Quimby, a co-founder of Burt’s Bees cosmetics. The announcement came a day after a nonprofit foundation run by Ms. Quimby, a longtime conservationist, transferred the land to federal ownership and pledged a \$40 million endowment.

Gov. Paul R. LePage, a Republican, has called the monument an “ego play” by Ms. Quimby, dismissed the protected land as a “mosquito area” that won’t attract tourists, and claimed that closing off the area to timber harvesting hurts the state’s economy.

Mr. Zinke toured the area in June. He said he was “comfortable” with the land remaining public, according to The Associated Press. “I’m confident there’s a path forward here that will work,” Mr. Zinke said.

#### **Papahanaumokuakea**

89.5 million acres | Designated by George W. Bush, 2006

283.4 million acres | Added by Barack Obama, 2016

President George W. Bush created the Papahanaumokuakea Marine National Monument (pronounced “Papa-ha-now-moh-koo-ah-kay-ah”) off Hawaii in 2006. Last year, Mr. Obama quadrupled it.



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Now the ocean reserve more than twice the size of Texas is the largest protected area anywhere on Earth. Commercial fishing of tuna and other species is prohibited, though recreational fishing is allowed with a permit. New mining and oil and gas drilling are also forbidden.

Scientists and environmentalists hailed the decision as critical to helping the diverse ecosystem withstand the threat of climate change. “The oceans are the untold story when it comes to climate change, and we have to feel a sense of urgency when it comes to protecting the ocean that sustains us,” said Senator Brian Schatz, Democrat of Hawaii, who proposed the monument.

But the decision wasn’t without detractors. The Western Pacific Regional Fishery Management Council, a quasi-government agency that helps manage fisheries in the Pacific Islands, opposed the monument, arguing that Hawaii’s fishermen are already being hurt by the protections because they now must fish in the high seas in competition with other countries.

Republicans in Washington argue that the Antiquities Act was designed to protect “lands,” not waters. Representative Rob Bishop, Republican of Utah and chairman of the House Natural Resources Committee, called the monument “unjustified.”

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No matter what Mr. Zinke’s review finds, changes to federal monuments are not imminent. Environmental groups have vowed to sue if President Trump tries to eradicate or reduce protected lands.

They say they are not heartened that Mr. Zinke has declared five monuments safe from changes. “These pardons have been so random,” said Jenny Rowland, a public lands research manager for the Center for American Progress, a liberal advocacy group.

The Interior Department did not respond to requests for comment.

No president has reduced the size of a federal monument since 1963, when President John F. Kennedy revised the boundaries of the Bandelier National Monument in New Mexico. Scholars are split over whether the Antiquities Act even allows a president to do so, or whether Congress has the sole power to undo a designation.



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Todd F. Gaziano, a senior fellow in constitutional law at the Pacific Legal Foundation, a group that advocates for limited government, has said environmental groups are engaged in “magical thinking” when they argue that a president cannot revoke a designation. “There is no court case that holds the president doesn’t have significant reduction authority,” he said.

The Interior Department has received more than 1.4 million public comments, which several outside organizations have said swung overwhelmingly toward preserving the national monuments.

Mr. Zinke has reassured critics that he doesn’t plan to sell off federal lands. “Even if a monument is modified, the land will remain under federal ownership,” he said.

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#### **4. Sage Grouse Protection Changes May Yield Benefits, States Say**

*Bloomberg News, Aug. 11 | Alan Kovski*

The first suggested changes to federal protections for the greater sage grouse under the Trump administration may not be as broad-ranging as some of the bird’s advocates fear.

Instead, the proposed changes may simply give oil and gas companies, mining companies, and ranchers clarity on where and when leasing can occur, what exceptions to the rules can be allowed, and what mitigation measures may be needed, state officials told Bloomberg BNA.

The changes recommended by the Sage Grouse Review Team within the Interior Department were unveiled in a Aug. 7 report with an emphasis on flexibility—such as allowing exceptions for oil and gas drilling that doesn’t disturb nearby sage-grouse populations—and heightened respect for state policy decisions on sage grouse conservation.

The bird is found in 11 Western states, but is dwindling in numbers along with its sagebrush habitat. The birds live in elevations ranging from 4,000 to over 9,000 feet and nest on the ground under sagebrush or grass patches.



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Some of the changes will depend on what the states want, and some changes—such as captive breeding programs to augment the species' population—may never happen. The report touched on many such considerations without insisting on any given policy option.

“I think it captured the range of alternatives that people felt we should take a look at,” said John Swartout, a senior policy adviser to Colorado Gov. John Hickenlooper (D).

“The question now is, what happens next? That’s not clear yet,” Swartout told Bloomberg BNA.

“I don’t think there was anything in there that was alarming,” said Bob Budd, executive director of the Wyoming Wildlife and Natural Resources Trust, a state agency.

Budd said he didn’t see the Interior review team’s recommendations as a wholesale upending of the protections for the species. Asked if the changes could lead to the bird being listed as threatened under the Endangered Species Act, he said, “No.”

#### **Mining Companies, Oil Groups**

Among those waiting to learn the implementation details are associations and companies that took the Obama administration’s 2015 sage grouse regulations to court, such as mining companies Western Exploration LLC, Quantum Minerals LLC, and Paragon Precious Metals LLC, and oil and gas industry groups Western Energy Alliance and North Dakota Petroleum Council.

Nevada and Wyoming local governments also went to court, worried about such basic activities as road construction in sage grouse habitat.

Much of what frustrated companies and local governments was uncertainty in the federal protections, which were issued in the form of 98 amended land-use plans through the Bureau of Land Management and the U.S. Forest Service. Much of that frustration can be corrected by having the government explain the details better, Budd told Bloomberg BNA.

“We were already working on that,” Swartout said of the policy clarifications that industry sought.

Swartout acknowledged the criticisms from environmental activists who said the report will lead to policies harming the species, but his own view was positive with cautionary notes.



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Hickenlooper and Wyoming Gov. Matt Mead (R) are the co-chairs of the State-Federal Sage Grouse Task Force, which provided advice to Interior's policy review team and has worked on protections for the greater sage grouse since 2011. Swarthout and Budd represent Hickenlooper and Mead in the regular work of the task force.

Colorado and Wyoming did not seek big changes in the federal protections for the sage grouse, unlike Utah, Idaho, and Nevada—three states that are among the litigants challenging the 2015 sage grouse plans.

#### **‘We Wanted the Flexibility’**

Even states that refrained from asking for big changes encountered some problems, Swartout said. He offered an example from his state’s policy of allowing exceptions to protections where local terrain allowed oil and gas drilling to occur without disturbing nearby populations of sage grouse, such as where the birds may occupy a plateau while the drilling is down in a neighboring ravine.

“We wanted the flexibility to do that. When these plans were rolled up together, we lost some of that flexibility,” Swartout said, referring to the Obama administration’s synthesis of the federal and state plans.

Flexibility can include finding more ways to improve cooperation between states, industry, landowners, and others, in Swartout’s view. “We look at this as an opportunity to strengthen our plan,” he said.

Conservation groups have criticized Interior’s policy review on sage grouse, and Swartout said they were right to speak up. If the changes are done poorly, the result could be something less protective of the species, he said.

#### **Population Targets Considered**

Some states have shown an interest in using species population targets rather than so much emphasis on habitat protections, and Interior Secretary Ryan Zinke issued a memo Aug. 7 saying he was particularly interested in assisting states in setting population objectives.



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Wyoming's governor issued a statement expressing skepticism about such a strategy. "I am concerned that the recommendations place more focus on population targets and captive breeding," Mead said.

The Interior report was cautious on the subject, saying it would be best to assess "a combination of habitat availability and populations, which are inseparable."

States do not have population monitoring that they are confident will do the job, and such monitoring would be expensive, cautioned San Stiver, sage grouse coordinator for the Western Association of Fish and Wildlife Agencies.

#### **Captive Breeding Questioned**

Stiver told Bloomberg BNA that Zinke may find that what sounded like a good idea in some cases is not. Stiver avoided singling out a particular example, but the Interior report almost did so itself in its skeptical summary of captive breeding.

Captive breeding of sage grouse "has not yet proven effective" and would siphon funds away from other priority efforts, the report said. It recommended only more study of the strategy.

The states have various approaches to managing wildlife. The one thing that unites them is a preference for state rather than federal management.

"We're in very firm agreement that that's where the management should be," Budd said.

A federal role is unavoidable given the vast amount of federal lands in the West under the authority of the Bureau of Land Management in Interior, or the Forest Service in the Agriculture Department. The Obama administration and others also have noted that protection of the sagebrush habitat can help keep many species, not just sage grouse, from dwindling.

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#### 5. MINING: Feds to whip inspectors into shape

*E & E News, Aug. 10 | Dylan Brown*

Roughly one-fifth of all federal mine inspectors do not meet physical fitness standards, according to the Department of Labor.

The Mine Safety and Health Administration announced yesterday it will implement a new system to address a "long-standing" and "growing" problem.

Vision, hearing and other medical examinations are required periodically for mine inspectors and technical personnel.

After a recent review, MSHA found that 15 to 20 percent of employees have failed to meet the standards approved by the Office of Personnel Management, some of them for multiple years.

The benchmark is "a condition of employment," but the agency promised to work toward "reasonable accommodation" for inspectors.

MSHA plans to implement an "individualized assessment process" that it said will be both efficient and fair.

"MSHA will be transparent throughout this process, while being mindful of employees' privacy concerns," the agency said in a press release. "MSHA will work with stakeholders, including the employees' union, and keep them informed."

The initiative comes as the agency and the coal industry grapple with a surge in deaths (Greenwire, June 26). Eleven coal miners have already died in 2017, more than in all of 2016 — when a record-low eight miners died on the job.

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#### 6. PEOPLE: Chaffetz will join Jewell at Harvard

*E & E News, Aug. 10 | Jennifer Yachnin*

Former Utah Republican Rep. Jason Chaffetz will be among this fall's fellows at the Harvard Kennedy School's Institute of Politics along with former Interior Secretary Sally Jewell.

The former chairman of the House Oversight and Government Reform Committee is among the six new fellows Harvard announced yesterday for its fall 2017 semester.

In addition to Chaffetz and Jewell, the group includes Obama Foundation senior adviser Yohannes Abraham, Washington Post reporter Dan Balz, Hillary Clinton presidential campaign spokeswoman Karen Finney and Congressional Institute President Mark Strand.

Chaffetz, who resigned from Congress in June in the midst of his fifth term, will "guide students through a discussion of the possible political, regulatory and personal impacts developing information technology may have on our expectations of privacy," according to the university. Chaffetz currently works as a political analyst on Fox News.

Jewell revealed yesterday that she will teach students about strategies to develop both economically successful and environmentally sustainable futures (Greenwire, Aug. 9).

"This exceptional group of leaders and practitioners will offer our students diverse and multilayered insights into a range of issues through their up-to-the-moment experience and demonstrated commitment to public service and civic engagement," said Institute of Politics acting Director Bill Delahunt, who is a former Massachusetts Democratic House lawmaker.

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#### 7. INTERIOR: Zinke accepts wilderness donation, boosts refuge hunting

*E & E News, Aug. 10 | Jennifer Yachnin*

Interior Secretary Ryan Zinke announced yesterday he will endorse a donation of nearly 4,000 acres of private land to create public access to the Sabinoso Wilderness in northeastern New Mexico, reversing his earlier objections to the proposal.



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The announcement came on the same day Zinke proposed that Interior open or expand hunting and fishing access within 10 national wildlife refuges, including moose hunting at both the Des Lacs and Upper Souris wildlife refuges in North Dakota.

Zinke said he will support accepting land adjacent to the Sabinoso Wilderness that was purchased by the Carbondale, Colo.-based nonprofit Wilderness Land Trust in early 2016 for the purpose of donating it to the federal estate (Greenwire, Jan. 29, 2016).

"Expanding access to hunting, fishing, and recreation on federal lands is one of my top priorities as Secretary," Zinke said in a statement. "I originally had concerns about adding more wilderness-designated area, however after hiking and riding the land it was clear that access would only be improved if the Department accepted the land and maintained the existing roadways. Thanks to the donation of a private organization, we continue to move toward delivering this nonpartisan win for sportsmen and the community."

The Bureau of Land Management must still review whether it will accept the donation, which consists of land known as Rimrock Rose Ranch. The process will take between three and four months.

If accepted, the parcel will provide access to the 16,000-acre Sabinoso Wilderness, which is the only unit within the National Wilderness Preservation System that remains inaccessible to the public.

During a Senate Energy and Natural Resources Committee hearing in June, Zinke had objected to the terms of the donation, which will require the land to be designated as wilderness.

At the time, Zinke raised concerns that the wilderness status would prohibit the use of mountain bikes and vehicles, while also arguing the site should have "amenities like a parking lot."

But after a tour of the area on horseback with New Mexico Sens. Martin Heinrich (D) and Tom Udall (D) late last month, Zinke reversed course (Greenwire, July 28).

"By accepting this land donation as part of the wilderness, the Department of Interior will finally unlock the Sabinoso to the public," Heinrich said in a statement. "This is a major gain for New Mexico and would not be possible without the generosity of the Wilderness Land Trust and the



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dedication of the local community and sportsmen who have championed this effort for many years."

Udall likewise praised Zinke's decision, stating: "Enabling access to this wilderness is something that many New Mexicans have worked toward for years, and while there are some details to work out to ensure the property is managed in accordance with the Wilderness Act, I want to thank Secretary Zinke for coming to New Mexico to see this stunning land for himself and for moving quickly to accept the donation of the Rimrock Rose Ranch property."

Sportsmen's groups including Backcountry Hunters & Anglers and the New Mexico Wildlife Federation that have pressed for the donation to be accepted since it was announced in early 2016 praised the Democratic senators for their continued focus on the wilderness area.

"We thank Sens. Heinrich and Udall for their leadership to get us to this date and look forward to continued partnership with Secretary Zinke and his staff to finalize this long-awaited agreement," said BHA Southwest Chapter Coordinator Jason Amaro.

#### **Refuge hunting**

The Interior Department also announced yesterday that it will issue a rules change to open or expand hunting and fishing access in 10 national wildlife refuges.

Currently, 336 wildlife refuges and 36 wetland management districts allow hunting, and 276 wildlife refuges and 33 wetland management districts allow fishing.

There are 566 national wildlife refuges.

"The last thing I want to see is hunting and fishing become elite sports," Zinke said in a statement. "These ten refuges will provide incredible opportunities for sportsmen and anglers across the country to access the land and connect with the wildlife."

The proposal includes opening both the Des Lacs and Upper Souris refuges in North Dakota for moose hunting, as well as turkey hunting in the latter site. Both refuges already host upland game hunting and other big game hunting. The Upper Souris is also open for sport fishing.



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Other changes include expanding various combinations of migratory game bird hunting, upland game and big game hunting, and sport fishing at the Savannah National Wildlife Refuge in Georgia and South Carolina, the Patoka River National Wildlife Refuge in Indiana, the Minnesota Valley National Wildlife Refuge in Minnesota, the Sequoyah National Wildlife Refuge in Oklahoma, the Baskett Slough National Wildlife Refuge and Siletz Bay National Wildlife Refuge in Oregon, and the Horicon National Wildlife Refuge and Fox River National Wildlife Refuge in Wisconsin.

*The Fish and Wildlife Service will open the proposal for public comments for 30 days. The rule will appear in today's Federal Register.*

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#### **8. PUBLIC LANDS: Balance energy production with conservation — sportsmen**

*E & E News, Aug. 10 | Scott Streater*

A coalition of sporting and outdoor recreation groups today released a report outlining a "blueprint" for responsible energy development on public lands that calls for balancing oil and gas production with protection of wildlife habitat and waterways for hunting and fishing.

The [report](#) released today by Sportsmen for Responsible Energy Development — a coalition led by the National Wildlife Federation, Trout Unlimited and Theodore Roosevelt Conservation Partnership — comes as the Trump administration is making a concerted effort to expand domestic energy production by removing what it characterizes as regulatory burdens for oil, gas and mining activity on federal lands.

But the latest report — titled "Lessons Learned: A Blueprint for Securing Our Energy Future While Safeguarding America's Sporting Heritage" — argues for federal land managers to put "the right policies and procedures in place to facilitate both energy development and the conservation of healthy fish and wildlife habitat."

In essence, the report wants the Interior Department, in particular, to not forget about the \$887 billion that the outdoor recreation economy, driven in part by hunters and anglers, generates annually.



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"Energy development can coexist with healthy habitat and quality hunting and angling, but it doesn't happen by chance. Responsible energy development requires careful planning and a commitment from stakeholder groups, the public and decision makers to get it right," the report says.

"As our country moves forward with the development of domestic energy resources, our decision makers and public land managers have a choice between policies that support responsible energy development and other multiple uses, or decisions that prioritize energy development over all other uses, leaving our public lands fragmented and their habitat degraded with diminished sporting opportunities," it adds.

The report calls on the Bureau of Land Management, for example, to take upfront actions, before approving drilling leases, to assess natural resources and avoid or minimize "development impact on fish, wildlife and water resources." It also recommends BLM take a "comprehensive approach to planning rather than a piecemeal, lease-by-lease tactic" to ensure proper development.

"Sportsmen and women want to see strong safeguards for public lands and comprehensive planning from the start, before leases and drill permits are approved, to ensure responsible energy development," the report says.

Interior Secretary Ryan Zinke, an avid outdoorsman, has made increasing access to public lands for hunters and anglers a top priority.

Zinke yesterday announced a proposal to open or expand hunting and fishing opportunities at 10 national wildlife refuges in eight states.

In doing so, Zinke emphasized his personal connection to outdoor recreation.

"I grew up in the mountains of northwest Montana, where I spent my time hunting and fishing on our shared public lands. I was lucky to take my boys out on the same land that my dad and granddad took me," Zinke said in a statement.

"As the steward of our public lands, one of my top priorities is to open up access wherever possible for hunting and fishing so that more families have the opportunity to pass down the heritage," he added. "The last thing I want to see is hunting and fishing become elite sports."



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The Sportsmen for Responsible Energy Development report lists 10 "guidelines" for federal land managers that "will help to facilitate responsible energy development and ensure that quality opportunities to hunt and fish on public lands are sustained long into the future."

Among them is a call to keep public lands "in the public domain for the use of future generations" — something Zinke has vowed to do.

Others include ensuring that public lands are "managed for multiple uses," and that hunters and anglers "have a voice in decisions affecting energy development on public lands."

What's more, "Lands not suitable for energy development should be off limits — this includes essential fish and wildlife habitat and sensitive backcountry lands," the report says.

And federal land management agencies, such as BLM, "should have adequate funding to ensure the long-term health of fish and wildlife habitat and water resources in the face of energy development."

President Trump's proposed fiscal 2018 budget for BLM calls for a nearly 13 percent cut in funding from current operating levels.

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#### 9. INTERIOR: Some department advisory panels start to resurface

*E & E News, Aug. 14 | Michael Doyle*

The Interior Department's freeze on advisory committees is starting to thaw, at least in some regions.

While some panels seemingly remain in limbo, officials today announced a teleconference meeting for the apolitical-sounding Wildlife and Hunting Heritage Conservation Council.

The council, still packed with members appointed during the Obama administration, provides advice on wildlife and habitat conservation endeavors designed to benefit wildlife resources, encourage partnerships and boost recreational hunting.

All of those can be significant, even if they lack the sizzle of past Interior Department panels such as the Advisory Committee on Climate Change and Natural Resource Science.



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"The committee ... connects conservation organizations and individuals who are leaders in their own right with federal officials," wildlife and hunting panel member Robert Manes, Kansas director of the Nature Conservancy, said in an interview today. He added that "it's been productive" in a number of arenas.

The Wildlife and Hunting Heritage Conservation Council was established in 2010 and at times can hike into tricky terrain. Last December, for instance, the panel declared its "strong support" for removing the Greater Yellowstone population of grizzly bears from Endangered Species Act protections.

"The great thing about the committee is that it has a fair amount of diversity on it," Manes said.

The council's Aug. 30 teleconference, announced in the Federal Register, will take place about three months after the Interior Department's decision to review the work of its 200-plus advisory panels.

The department said at the time that the review was part of Interior Secretary Ryan Zinke's effort at "restoring trust in the department's decision-making," as well as ensuring that the myriad panels complied with the requirements of the 1972 Federal Advisory Committee Act (Greenwire, May 5).

The review required a "temporary postponement" of the advisory committees' work, Interior Department spokeswoman Heather Swift said in May.

Eight Senate Democrats from Western states subsequently wrote Zinke to say they were "very concerned" about the suspension of the advisory committees, which Interior officials initially indicated would last until September. The Bureau of Land Management told members of its 30 resource advisory councils to postpone scheduled meetings as part of the review (E&E Daily, May 12).

The wildlife and hunting council's Aug. 30 agenda includes discussion of a secretarial order issued by Zinke concerning "Conservation Stewardship and Outdoor Recreation" as well as an executive order issued in 2007 by then-President George W. Bush concerning recreation hunting and wildlife conservation.



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Bush's executive order, among other things, directed federal officials to "manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning."

Presidential executive orders remain in effect until they are specifically revoked.

Zinke's order, issued March 2, directed his department to "enhance and expand recreational fishing access," among other priorities.

Some of the department's advisory committees have apparently already expired on their own.

The 25-member Advisory Committee on Climate Change and Natural Resource Science, for instance, was given a two-year life span when established during the Obama administration. The group received its latest two-year renewal in June 2015. Though the panel's charter included the option of another two-year renewal, its website speaks of the committee in the past tense.

The telephone listed for the climate change advisory committee's "designated federal officer" was answered by a tape recording Monday that called the number "non-working."

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#### **10. NEVADA STANDOFF: Prosecutors demand preview of defense's closing arguments**

*E & E News, Aug. 14 | Jennifer Yachnin*

Federal prosecutors filed a motion yesterday seeking sanctions against attorneys for three men who participated in the 2014 armed standoff between ranchers and federal agents near Bunkerville, Nev., asserting that the defendants have repeatedly violated a court order that bars discussion of certain constitutional rights as well as other issues in the presence of jurors.

In the 13-page motion, acting U.S. Attorney Steven Myhre asked U.S. District Judge Gloria Navarro to require the defense attorneys to preview their closing arguments in the case, including specific photos or video stills that would be shown to the jury.



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"From the beginning of trial and throughout, counsel for [the three defendants] have repeatedly violated the Court's Order and attempted to place precluded evidence before the jury," Myhre wrote.

Federal prosecutors are making their second attempt to convict four men who took part in the Nevada standoff, which was sparked when agents from the Bureau of Land Management tried to seize rancher Cliven Bundy's cattle over more than \$1 million in unpaid grazing fees.

The first trial ended in April with the jury deadlocked over charges against the four defendants: Richard Lovelien, Scott Drexler, Eric Parker and Steven Stewart.

The new motion comes in the wake of Navarro's decision to remove defendant Eric Parker from the witness stand last week in the midst of his testimony (Greenwire, Aug. 11).

"Counsel for Parker attempted to adduce as much jury nullification as could be jammed into Eric Parker's trial testimony, ultimately putting the Court in the difficult, but absolutely legally correct, position of ordering a testifying defendant from the stand and striking his testimony before the jury," Myhre wrote.

Parker was ordered off the stand after referring to "First Amendment zones," alleged federal snipers, issues related to rancher Cliven Bundy's water supply and an incident in which Bundy's son, Ammon Bundy, was stunned with a Taser.

Prosecutors also questioned whether Parker's removal from the stand was in fact a "specifically considered, orchestrated, and accepted strategy."

"Defendant Parker, after being told ordered to leave the stand, mouthed words at the jury, attempted to make eye contact, and gestured toward them. He also mock-cried until the jury left the room, at which time he abruptly stopped," Myhre wrote.

Federal prosecutors have asked Navarro to instruct jurors to disregard Parker's testimony.

Proposed instructions would have the judge state that jurors "are not to consider or discuss [Parker's] testimony, or speculate about what his testimony may have been. You should proceed as though Mr. Parker never testified."



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In addition, the motion would require that any testimony from defendants Scott Drexler or Steven Stewart be previewed without the jury present "to ensure compliance" with the court's prohibition on discussion of First Amendment and Second Amendment rights, and other issues.

The order specifically excludes Lovelien and his counsel from any of the requested sanctions.

But Parker's attorney, Jess Marchese, defended his client's testimony yesterday, telling the Las Vegas Review-Journal: "We were trying to abide by the court's order. The government objected, the court granted it, and I respect her ruling."

Defendants have until Aug. 27 to respond to the motion.

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#### **11. OIL AND GAS: A scientist thinks his gizmo can see methane leaks better**

*E & E News, Aug. 14 | Niina Heikkinen*

Research scientist Dirk Richter wants to change the way oil and gas companies detect methane leaks.

The founder and CEO of Quanta3, a Colorado-based startup, is developing a lightweight, solar-powered and cloud-connected laser methane sensor that would allow companies to monitor oil wells for leaks 24 hours per day, without having to physically visit their facilities.

The sensor is being tested in a pilot program launched recently by Royal Dutch Shell PLC and the Environmental Defense Fund in Alberta. It's part of the Methane Detectors Challenge, in which oil companies and U.S. government agencies work with innovators to come up with new technologies for controlling methane emissions from the oil and gas industry. Statoil ASA initially tested the sensor in a similar pilot in Texas.

"My hope is that the pilot will show and demonstrate this technology is valuable beyond the noble goal of reducing methane for climate, but also that it adds value to operational efficiency for oil and gas production and improves safety for workers," Richter said.

The hunt for the next big innovation in methane detection comes as the Trump administration has signaled its intent to do away with regulations limiting emissions of the gas at wells. The



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potent greenhouse gas has more than 20 times the heat-trapping capacity of CO<sub>2</sub>, making it a significant contributor to warming global temperatures.

U.S. EPA's 2017 Inventory of U.S. Greenhouse Gas Emissions and Sinks estimates that methane emissions accounted for about 10 percent of greenhouse gases from 1990 to 2015. Natural gas systems were the second largest man-made source of methane in the country, releasing 162 million metric tons of CO<sub>2</sub> equivalent into the atmosphere in 2015. That figure represents a 16 percent decrease from 1990, which EPA attributes to lower emissions from transmission, storage and distribution. Petroleum systems accounted for 6.1 percent of methane emissions in 2015.

The oil and gas industry has argued that companies have made significant strides in limiting methane through voluntary efficiency improvements, but environmental groups contend that federal regulations are necessary. EDF is aiming to bridge the gap by working with industry partners to find new ways to limit the loss of methane, which also has monetary value for producers.

"The way we set up the collaborative partnership, companies like Shell give feedback basically immediately to improve the technology, and this allows [the entrepreneur] to dramatically improve," said Aileen Nowlan, manager of EDF+Business at EDF. "Alberta is a tough physical environment to work in, so testing a new technology in a tough area tells you a lot about the technology."

While EDF has lauded its partnerships with industry as a way of getting new technology to stop leaks on the market faster, environmental groups have also critiqued voluntary partnership programs for attracting only a small percentage of the overall industry. For instance, since the 1990s, less than 1 percent of the oil and gas industry has signed on to EPA's voluntary emissions reductions programs (Climatewire, March 14, 2016). EDF's Methane Detectors program has only been around since 2014, and so far has had one other technology piloted by the industry last year.

Like Richter's sensor, technology developed by Sensit (previously Acutect) would provide continuous monitoring for methane, also using solar-powered lasers. Pacific Gas and Electric Co. ran a pilot of the sensors, and the company's founder, Peter Foller, stated in a press release at the time that the company was in licensing negotiations.



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If widely adopted, 24-hour emissions monitoring technology would mark a shift from the intermittent monitoring that companies do today. Operators primarily use either optical gas imaging technology to visualize leaks with infrared cameras or hand-held portable analyzers to physically check each piece of equipment for escaping methane.

These approaches are cumbersome and require people to conduct the monitoring, said Richter. Accurately visualizing methane leaks also depends on optimal environmental conditions. It can't be too windy, cold or hot. Camera operators also have to be fairly close to facilities to detect leaks.

A Stanford University study earlier this year found EPA had overestimated how effective these cameras would be at detecting leaks, by failing to fully take into account these differing environmental impacts on methane detection (Climatewire, April 19).

"The way our technology works, our sensor is placed about 100 feet from a well site, away from any danger zone. We are basically picking up methane that is dispersed from the site by the wind," Richter said. "What it gives the operator is quality control, an eye on every well site."

Though Richter is not the first to use laser absorption spectroscopy for sensing methane, he thinks his product could have several advantages over other options on the market. It can perform at widely ranging temperature extremes, from -30 degrees Celsius to 40 degrees Celsius.

The sensor also uses much less power, 10 watts instead of 100 watts. Since it is solar-powered, the sensor can operate off of the electrical grid in remote areas. The sensor can go more than a year without maintenance and doesn't have to be calibrated in the field. It also has a high degree of precision for its price, he said.

"The big plus compared to FLIR [forward-looking infrared] cameras: Our technology is quantitative and can assess leak rates, so you can deploy repair crews to large leaks first," Richter added.

Data collected by the sensors is uploaded and analyzed using cloud-based analytics. Operators have multiple options for reviewing the data. If companies install multiple sensors, they can communicate with each other and synthesize their data.



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This is not the first time Richter has delved into developing sensors for detecting pollution. The NASA-funded research scientist, who also works part time as a professor at the University of Colorado, has previously worked developing technologies to detect formaldehyde leaks on the International Space Station. He has also worked on atmospheric sensing for ethane, the detection of which can help determine where methane emissions originate.

Those instruments had about a thousand times the precision of the methane sensors Quanta3 is testing. The reduced sensitivity makes the price of the devices thousands of dollars instead of hundreds of thousands.

In a press release, Shell touted its involvement with the pilot, stating that if the tests run smoothly, the laser sensors could be used to complement the oil and gas company's existing methane detection tools.

"This pilot shows we are serious about reducing the methane emissions associated with natural gas production to support the overall climate benefit of this fuel," said Greg Guidry, executive vice president for unconventionalals at Shell.

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